

Service Date: August 4, 1986

FINAL ORDER NO. 5731

DEPARTMENT OF PUBLIC SERVICE REGULATION
MONTANA PUBLIC SERVICE COMMISSION

In the Matter of the Application of)	DOCKET NO. T-8918
JOHN H. PEARCE, Helena, Montana)	
for a Certificate of Public Conven-)	ORDER NO. 5731
ience and Necessity.)	

The Commission, having taken evidence and being fully advised in the premises, makes the following findings, conclusions and order:

FINDINGS OF FACT

1. On April 25, 1986, John H. Pearce, 7417 York Road, Helena, Montana, filed an application with the Montana Public Service Commission under Title 69, MCA, for a Certificate of Public Convenience and Necessity authorizing the transportation of ore, Class B, between all points and places in the following counties: Jefferson, Lewis & Clark, Broadwater, Powell and Meagher.

2. In accordance with Section 69-23-321, MCA, as amended, this matter was noticed to the public May 6, 1986. That notice said in pertinent part:

If no written protests are received by May 26, 1986, a hearing may not be held and a final order may be issued in this Docket. If a protest is received, a hearing will be scheduled. Individual notice of the hearing will be given only to Protestants and Applicant.

The application included affidavits of support.

3. Protests were filed by Big Horn Transportation Company and William P. LaVelle dba LaVelle Powder Company. The protests were subsequently withdrawn by the Applicant restrictively amending his application to a Class C carrier and by limiting the service to be provided to the utilization of vehicles having a carrying capacity of 12 yards or less.

4. The record of this application is available for inspection at the Public Service Commission Office, 2701 Prospect Avenue, Helena, Montana 59620.

CONCLUSIONS OF LAW

1. The Montana Public Service Commission properly exercises jurisdiction over the parties and subject matter in this proceeding.

2. The Commission afforded all parties interested in this proceeding proper notice and an opportunity to participate.

3. Public Convenience and Necessity require a grant of the

authority sought by the Applicant.

ORDER

NOW THEREFORE, at a session of the Public Service Commission, Department of Public Service Regulation of the State of Montana, held in its offices at 2701 Prospect Avenue, Helena, Montana, on the 4th day of August, 1986, there being present a quorum of Commissioners, there came regularly before the Commission for final action the matters and things in Docket No. T-8918, and the Commission being fully advised in the premises;

IT IS ORDERED by the Commission that the application of JOHN H. PEARCE, Helena, Montana for a Certificate of Public Convenience and Necessity IS GRANTED to the following extent:
Class C: Ore between all points and places in the following counties: Jefferson, Lewis & Clark, Broadwater, Powell and Meagher. Limitations: The transportation service to be provided is confined to the utilization of vehicles having a carrying capacity of twelve (12) yards or less.

IT IS FURTHER ORDERED that a full, true and correct copy of this order be sent forthwith by certified mail to the Applicant herein.

THE FOREGOING ORDER was adopted by the Department of Public Service Regulation of the State of Montana, Public Service Commission, IN OPEN SESSION at Helena, Montana, this 4th day of August, 1986 by a vote of 5 - 0.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION.

CLYDE JARVIS, Chairman

DANNY OBERG, Commissioner

TOM MONAHAN, Commissioner

HOWARD ELLIS, Commissioner

JOHN DRISCOLL, Commissioner

ATTEST:

Commission Secretary

NOTE: Any interested party may request the Commission to reconsider this decision. A motion to reconsider must be filed within ten (10) days. See 38.2.4806, ARM.